

NOTICE OF PROPOSED RELIEF ORDER & FAIRNESS HEARING

A court approved this notice. This is not an advertisement from a lawyer.

- ❖ A federal court has ruled that the City of New York discriminated against black and Hispanic applicants for firefighter jobs. The City discriminated against black and Hispanic firefighter applicants who took Written Exam 7029 (given primarily in 1999) and Written Exam 2043 (given primarily in 2002).
- ❖ The Court has ordered that the City must provide money and other awards to individuals harmed by the City's discrimination, including 293 priority appointments to firefighter jobs with retroactive seniority. *Only* black and Hispanic applicants *who took* Written Exams 7029 or 2043 will be eligible to receive awards. Individuals who took Written Exam 6019 (given primarily in 2007) and/or Written Exam 2000 (given in 2012), but did not take Written Exam 7029 or 2043, are not eligible for relief.

- ❖ The Court's proposed order can be viewed at www.justice.gov/fdnycase
- ❖ If you wish to object to the order, you must follow the enclosed instructions and return the objection form by August 24, 2012.
- ❖ The Court has scheduled a fairness hearing which will start on October 1, 2012 and continue on October 2, 2012, if necessary, at which time written objections will be considered.

Read this notice carefully, as your rights may be affected by the terms of the court's order.

1. What is this lawsuit about?

The United States, the Vulcan Society, and seven black applicants who took Written Exam 7029 or 2043 brought this lawsuit claiming that the City discriminated against black and Hispanic applicants for entry-level firefighter jobs. The Court has ruled that the City's use of Written Exams 7029 and 2043 discriminated against black and Hispanic applicants.

The Court has ordered the City to pay up to \$128 million in back pay damages to black and Hispanic victims of the City's discrimination, as well as offer other awards to victims. The Court will ultimately decide what individual award must be provided to each victim. For more information about this lawsuit please go to www.justice.gov/fdnycase.

2. Why did I get this notice?

You received this notice because your rights or legal interests might be affected by implementation of the relief the Court has ordered. This notice summarizes that relief and

explains how you may object to it, if you wish to do so. The Court will consider all objections before black and Hispanic victims of the City's discrimination will be offered awards.

3. What individual awards are available to black and Hispanic victims of the City's discrimination?

The Court's Proposed Relief Order describes the awards that will be available to the victims of the City's discrimination. Under the terms of the Court's order, eligible black and Hispanic applicants who took Written Exam 7029 and/or 2043 may receive:

- ❖ **Cash awards of backpay** to make up for wages and benefits lost due to discrimination.
- ❖ **Priority consideration** for a FDNY firefighter job offer for up to 293 victims of discrimination (all minimum job qualifications, except the age requirement, must be met).
- ❖ **Retroactive seniority** to current black and Hispanic FDNY firefighters whose hiring was delayed because of discrimination in the use of Written Exams 7029 and 2043 and to those black and Hispanic victims who become "priority hires" as a result of this case.

Black applicants may also receive **compensatory damages** (which are separate from backpay) for the lost enjoyment and job satisfaction of working as an FDNY firefighter.

4. Will black and Hispanic applicants who took Written Exams 7029 and/or 2043 automatically be eligible to receive an award?

No. Only black and Hispanic applicants who were harmed by the City's use of Written Exams 7029 and/or 2043 will be eligible to receive an award. Firefighter applicants who were not hired for reasons unrelated to the Written Exam are not eligible to receive an award. For example, applicants who were not hired because they did not pass the physical ability test will not be eligible to receive an award. Please read the eligibility criteria in the Proposed Relief Order carefully to determine whether you wish to object: www.justice.gov/fdnycase/timeline.php

5. How do I object to the Court's Proposed Relief Order?

The Court has issued a Proposed Relief Order. The parties to this lawsuit have asked the Court to hold a "Fairness Hearing" related to the awards in the Proposed Relief Order. This Fairness Hearing will be held on **October 1, 2012 at 9:00a.m. and continue on October 2, 2012, if necessary**, at the U.S. District Court for the Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York in Courtroom 4D. You have the right to attend this Fairness Hearing. You also have the right to object in writing to the Court's Proposed Relief Order. **Making an objection is voluntary, but if you do not object at this time, you will not, absent good cause, be able to oppose the awards ordered by the Court in the future.**

Please visit www.justice.gov/fdnycase for more information about this lawsuit.